

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>9-23-13</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA : ORDER

- v. - :

: 13 Cr. 535 (PKC)

EDWIN VARGAS, :

Defendant. :

- - - - - X

P. Kevin Castel, District Judge:

Upon the application of the United States of America, by Preet Bharara, United States Attorney, through Rosemary Nidiry, Assistant United States Attorney ("the Government"), and the affirmation of Assistant United States Attorney Rosemary Nidiry, and with the consent of defendant EDWIN VARGAS, by his counsel Peter Brill, Esq., and for good cause shown,

IT IS HEREBY ORDERED:

1. Copies of certain discovery materials (including, but not limited to, computer hard drives, telephones, documents, and records) to be produced by the Government to the defense pursuant to Rule 16 of the Federal Rules of Criminal Procedure; Title 18, United States Code, Section 3500; *Brady v. Maryland*; or *United States v. Giglio*, contain personal identification of specific individuals (including, *inter alia*,

names, e-mail addresses, physical addresses, telephone numbers, and employment information) and are therefore deemed "Confidential Information" and shall be so identified by the Government.

2. Confidential Information disclosed to the defendant or to his counsel during the course of proceedings in this action:

(a) Shall be used by the defendant or his counsel only for purposes of this action;

(b) Shall be kept in the sole possession of the defendant and his attorney, and shall not be disclosed in any form by the defendant or his counsel except as set forth in paragraph 2(c) below;

(c) May be disclosed by the defendant or his counsel only to the following persons (hereinafter "designated persons"):

(i) investigative, secretarial, clerical, paralegal and student personnel employed full-time or part-time by the defendant's counsel;

(ii) independent expert witnesses, investigators or advisors retained by the defendant in connection with this action;

(iii) the individual who is the subject of the specific information that is being disclosed; or

(iv) such other persons as hereafter may be

authorized by the Court upon such motion by the defendants; and

(d) Shall be returned to the Government following the conclusion of this case and any all copies made of said material shall be shredded and destroyed.

3. The defendant and his counsel shall provide a copy of this Order to designated persons to whom they disclose confidential information pursuant to paragraphs 2(c)(i), (ii) and (iii). Designated persons shall be subject to the terms of this Order.

4. The provisions of this Order shall not be construed as preventing the disclosure of any information in any motion, hearing, trial, or sentencing proceeding held in this action or to any judge or magistrate of this Court for purposes of this action.

Dated: New York, New York
September 23, 2013

SO ORDERED;



HONORABLE P. KEVIN CASTEL
UNITED STATES DISTRICT JUDGE